S-0283.1

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**SENATE BILL 5075**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators L. Wilson, Padden, Braun, Dozier, and Fortunato

AN ACT Relating to establishing a judicial sentencing database; amending RCW 9.94A.475; adding a new section to chapter 9.94A RCW; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 9.94A.475 and 2018 c 7 s 6 are each amended to read as follows:

Any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes shall be made and retained as public records if the felony crime involves:

(1) Any violent offense as defined in this chapter;

(2) Any most serious offense as defined in this chapter;

(3) Any felony with a deadly weapon special verdict under RCW 9.94A.825;

(4) Any felony with any deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both;

(5) The felony crimes of possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun or bump-fire stock in a felony; ((~~or~~))

(6) The felony crime of driving a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.502, and felony physical control of a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.504; or

(7) Any violation of a protection order that is a felony offense under RCW 7.105.450.

NEW SECTION. **Sec.**  A new section is added to chapter 9.94A RCW to read as follows:

(1) The caseload forecast council shall create and maintain an electronic database of the judicial record of each sentencing judge in regards to the judge's sentencing practices for any and all felony crimes kept as public records under RCW 9.94A.475 that are committed after the effective date of this section. The electronic database shall compare each individual judge's sentencing practices to the standard or presumptive sentence range for any and all felony crimes kept as public records under RCW 9.94A.475 for the appropriate offense level under RCW 9.94A.515 or 9.94A.518, offender score under RCW 9.94A.525, and any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both. The electronic database shall be accessible to the public.

(2) Any and all felony sentences which are either above or below the standard or presumptive sentence range in subsection (1) of this section shall also indicate whether the prosecuting attorney in the case recommended a similar sentence, if any, which was either above or below the standard or presumptive sentence range and shall also indicate if the sentence was in conjunction with a plea agreement or approved alternative sentencing option including a first-time offender waiver, sex offender sentencing alternative, or other prescribed sentencing option, and any mitigating or aggravating circumstances under RCW 9.94A.535.

NEW SECTION. **Sec.**  This act takes effect July 1, 2024.

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